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In re Application of

**JAN 23 2006**

Don Shattuck

**OFFICE OF PETITIONS**

Application No. 10/612,111

: DECISION ON PETITION

Filed: July 2, 2003

Attorney Docket No.

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed November 17, 2005.

The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

This application was held abandoned on February 2, 2005, after it was believed that no response was received to the Notice of Non-Compliant Amendment mailed January 31, 2005. The notice allowed a period for reply of one (1) month from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). A Notice of Abandonment was mailed on August 19, 2005, indicating that a reply to the notice was not received.

A review of the record reveals that an amendment intending to be responsive to the non-final Office action was received on February 10, 2005, as evidenced by a review of the application file record and the Office date-stamped postcard that accompanied the instant petition. Based on the aforementioned, it appears that the application was improperly held abandoned as a response was received prior to expiration of the period for reply. The holding of abandonment is withdrawn, accordingly.

Further inquires regarding this decision may be directed to the undersigned at (571) 272-3222.

The application file is being forwarded Technology Center 3600, GAU 3673, for further processing.

*Kenya A. McLaughlin*

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